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16 LIBERTY MUTUAL INSURANCE COMPANY

17 UNITED STATES DISTRICT COURT  
18  
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
20  
21 SAN FRANCISCO DIVISION

22 LIBERTY MUTUAL INSURANCE )  
23 COMPANY, a Massachusetts Corporation, )

24 Plaintiff, )

25 v. )

26 THE CALIFORNIA AUTOMOBILE )  
27 ASSIGNED RISK PLAN, a program )  
28 established under California Insurance Code )  
section 11620 et seq., and DOES 1 through 20, )  
inclusive, )

29 Defendants. )

30 THE CALIFORNIA AUTOMOBILE )  
31 ASSIGNED RISK PLAN, )

32 Counter-Claimant, )

33 v. )

34 LIBERTY MUTUAL INSURANCE )  
35 COMPANY, a Massachusetts Corporation, )

36 Counter-Defendant. )

CASE NO.: 3:11-CV-01419-MMC

**STIPULATION AND**  
**[PROPOSED] ORDER**  
**MODIFYING THE CASE SCHEDULE**

Judge: Hon. Maxine M. Chesney  
Dept: Courtroom 7, 19th Floor

Complaint Filed: March 24, 2011

1           **STIPULATION AND [PROPOSED] ORDER MODIFYING THE CASE SCHEDULE**

2           Pursuant to Civil Local Rules 6-2, 7-12 and 40-1, Plaintiff/Counter-Defendant Liberty  
3 Mutual Insurance Company ("Liberty Mutual") and Defendant/Counter-Claimant The California  
4 Automobile Assigned Risk Plan ("CAARP") respectfully submit this Stipulation And Proposed  
5 Order To Extend The Schedule.

6           WHEREAS, Liberty Mutual filed its Complaint on March 24, 2011 (Docket No. 1);  
7 CAARP filed its answer and counterclaims on May 20, 2011 (Docket No. 11); and Liberty Mutual  
8 filed its answer to CAARP's counterclaims on June 10, 2011 (Docket No. 13);

9           WHEREAS, on July 8, 2011, the Court, following a Case Management Conference, made a  
10 Minute Entry (Docket No. 19), and on July 14, 2011, the Court entered a Pretrial Preparation Order  
11 (Docket No. 22), which incorporated the deadlines set in the Court's Minute Entry;

12           WHEREAS, the Parties have exchanged document productions and are in the initial phases  
13 of scheduling depositions, and the Parties have concluded that they cannot complete depositions in  
14 this case prior to the current non-expert discovery cutoff date of March 16, 2012;

15           WHEREAS, counsel for Liberty Mutual and CAARP have conferred and agreed upon  
16 modifications to the Pretrial Preparation Order, subject to Court approval, that would enable them  
17 to complete fact discovery in this action;

18           WHEREAS, there have been no prior time modifications in this case relating to the any of  
19 the events in the Court's Minute Entry on July 8, 2011 and the Pretrial Preparation Order;

20           THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the undersigned as  
21 follows:

22           1.       The dates set in the Pretrial Preparation Order are modified as follows:

- 23                   a.       JURY TRIAL DATE: Monday, February 4, 2013 at 9:00 a.m., Courtroom 7,  
24                               19th floor.
- 25                   b.       NON-EXPERT DISCOVERY CUTOFF: May 25, 2012.
- 26                   c.       DESIGNATION OF EXPERTS:
- 27                               Plaintiff/Defendant: No later than June 22, 2012.  
28                               Plaintiff/Defendant: Rebuttal no later than July 6, 2012.  
                                  (With objections by September 7, 2012.)

- 1 d. EXPERT DISCOVERY CUTOFF: August 9, 2012.
- 2 e. DISPOSITIVE MOTIONS shall be filed no later than September 7, 2012,
- 3 and shall be noticed for hearing 35 days thereafter.
- 4 f. MEET AND CONFER (Civil L.R. 16-10(b)(5)):
- 5 Lead trial counsel shall meet and confer no later than November 5, 2012.
- 6 g. PRETRIAL CONFERENCE DATE: December 11, 2012 at 3:00 p.m.
- 7 h. FURTHER STATUS CONFERENCE: Friday, October 19, 2012 at 10:30 a.m.
- 8 i. FURTHER STATUS CONFERENCE STATEMENT DUE:
- 9 Friday, October 12, 2012.

10 2. The dates previously set for the above events are hereby vacated. All other dates set

11 forth in the Court's Minute Entry on July 8, 2011 and the Pretrial Preparation Order entered on July

12 14, 2011 shall remain unchanged.

13 3. This stipulation and proposed order is without prejudice to either party seeking a

14 further adjustment to the schedule.

15 DATED: February 16, 2012

SKADDEN, ARPS, SLATE, MEAGHER & FLOM, LLP

16 By: /s/ James R. Carroll

17 JAMES R. CARROLL

18 Attorney for Plaintiff/Counter-Defendant

19 LIBERTY MUTUAL INSURANCE COMPANY

20 DATED: February 16, 2012

21 FARELLA, BRAUN & MARTEL LLP

22 By: /s/ Carly O. Alameda

23 CARLY O. ALAMEDA

24 Attorney for Defendant/Counter-Claimant THE

25 CALIFORNIA AUTOMOBILE ASSIGNED RISK PLAN

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**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, James R. Carroll, am the ECF User whose ID and password are being used to file this Stipulation And Proposed Order. In compliance with General Order 45.X.B, I hereby attest that the concurrence in the filing of this document has been obtained from each of the signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 16th day of February 2012, at Boston, Massachusetts.

By:                     /s/ James R. Carroll                      
JAMES R. CARROLL

PURSUANT TO STIPULATION, IT IS SO ORDERED,

DATED: February 21, 2012

By:                     Maxine M. Chesney                      
Hon. Maxine M. Chesney